

REMARKS

Reconsideration of the present application is respectfully requested.

The indication that claims 4, 6 and 25-27 are objected to is acknowledged with appreciation.

The objection to claims 4-6, 11, 14 and 28-30 are overcome by amendments to those claims.

The rejection of claims 1, 2, 16, 23, 24 and 29 under 35 USC 102(e) as being anticipated by Li is respectfully traversed.

For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990).

Claim 1 features the step of modulating the current, in reference to an occurrence of interference in an interface between a head and a surface. The Office Action cites Li at col. 8, lines 19-26, against the previous similar feature of claim 1. That citation discloses:

After determining the cause of the erroneous performance parameter, PRA then instructs a HDD controller or other equivalent mechanisms to undertake corrective action. In this manner, necessary adjustments are made to components and devices within a HDD, such that performance parameters are maintained at acceptable values without interfering with HDD operation during its active (read/write) mode.

Nowhere does Li does not identically show that corrective action taken by making necessary adjustments to maintain performance parameters is done by modulating the current, in reference to an occurrence of interference in an interface between a head and a surface. Since Li does not identically show modulating the current, in reference to an occurrence of interference in an interface between a head and a surface, claim 1 is not anticipated by Li and is allowable. Claim 2 is also allowable due to its dependence on allowable claim 1.

Claim 16 features modulating current to the disc in reference to the interference. For similar reasons to those explained for claim 1, Li does not identically disclose this feature. Thus, claim 16 is not anticipated and is allowable.

Claim 23 features a modulator that modulates current to the spindle motor. Similarly, claim 29 features means to modulate a current directed to the spindle motor. Nowhere does Li

disclose such structures. Because Li does not identically disclose those features, claims 23 and 29 are not anticipated and is allowable.

The rejection of claims 12 and 28 under 35 USC 102(e) as being anticipated by Oida is respectfully traversed.

For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990).

Claims 12 and 28 feature that the data including the quantity of current applied to the spindle motor. The Office Action contends that Oida's fig. 2 identically shows this feature. That contention is erroneous. Fig. 2 is described at col. 6, lines 1-63. That description nowhere describes a spindle motor. In fact, fig. 2 does not show a spindle motor. Therefore, Oida does not identically disclose this feature. As such, claims 12 and 28 are not anticipated and are allowable.

The rejection of claims 3, 5, 7-11, 17-22 and 30 under 103(a) as being unpatentable over the primary reference Li in view of other applied references is respectfully traversed.

As explained above, Li does not identically disclose some features of claims 1, 16 and 29. There is no objective evidence that shows Li suggests those features. The other applied references used to reject the dependent claims from those independent claims do not overcome the deficiencies of Li. Thus, claims 1, 16 and 29 are not obvious. Claims 3, 5, 7-11, 17-22 and 30 are not obvious due to their respective dependence on those independent claims. For that reason, claims 3, 5, 7-11, 17-22 and 30 are allowable.

The rejection of claims 13-15 under 103(a) as being unpatentable over the primary reference Oida in view of other applied references is respectfully traversed. As explained above, Oida does not identically disclose a feature of claim 12. There is no objective evidence that shows Oida suggests that feature. The other applied references used to reject these dependent claims do not overcome the deficiencies of Oida. Thus, claim 12 is not obvious. Then claims 13-15 are not obvious due to their dependence on claim 12 and are allowable.

Having explained above that claims 1-30 are not anticipated by or obvious in view of the applied references, the examiner is respectfully requested to allow claims 1-30 and pass this case to issuance.

Date: 12/15/03



David K. Lucente
Registration No. 36,202
Seagate Technology LLC
Intellectual Property - LLC
389 Disc Drive
Longmont, CO 80503
720-684-2295